IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.7828 of 2002

Dated: 28th July, 2006

Between:

N.Satyanarayana

.. Petitioner

and

The Deputy Registrar,
District Cooperative Central Bank Ltd.,
Khammam district, Khammam & another.

.. Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.7828 of 2002

ORDER:

This writ petition is filed seeking Mandamus declaring the action of the first respondent in issuing sale notice in E.P.No.8478 of 1999-2000 dated 22.3.2002 as illegal, arbitrary, violative of Articles 14, 21 and 300A of the Constitution of India.

The grievance of the petitioner is that before issuing the impugned sale/auction notice, no certificate under Section 71 of the A.P. Cooperative Societies Act, 1964 was obtained by the second respondent-society, therefore, the impugned sale notice is misconceived.

No counter affidavit is filed till date.

I am of the opinion that without there being any Certificate under Section 71 of the Act, the question of proceeding with the properties of the petitioner by way of auction notice in the purported E.P. does not arise. The whole action initiated by the respondents is misconceived and therefore, the impugned notice issued by the first respondent is liable to be set aside.

In the result, the writ petition is allowed and the impugned notice is set aside. No order as to costs.

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C.V.RAMULU, J

Date: 28.7.2006

DA

THE HON'BLE SRI JUSTICE C.V.RAMULU

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28.7.2006